

REMARKS

Claims 1-13 of the present application stand rejected as being anticipated by U.S. 5,064,222 (Legault). Applicants respectfully traverse this rejection on the basis that Legault fails to teach each and every element of the method of claim 1, and the means of claim 7. Accordingly, Applicants submit that claims 1 and 7 are patentable. Claims 2-6 and 11-13, which depend from claim 1, and claims 8-10, which depend from claim 7, are at least patentable based on their dependency from either claim 1 or 7, and their individually recited elements.

Claims 1 and 7 of the present application each recite a separator card and at least one information carrier for separating sheet material. The at least one separator card is specifically recited as providing an indication of a separate group of sheet material, whereas the at least one information carrier is particularly recited as being arranged to provide information to a sheet processing device concerning a specific group of sheet material.

Legault is generally directed to a booklet that comprises repeating groups of sheets. This booklet is described as having a cover and a spine (col. 1, 64-65). While the sheets are glued together, such sheets can be readily removed (col. 1, lines 65-67). The booklet includes a cover sheet, a stamp page, an instruction sheet and a bar code applicator. Applicants are unable to find any reference in the description of Legault of a step of separating different groups of sheet material, and a description of a step of processing such different groups of sheet material. Applicants submit that there is simply no disclosure or suggestion found in the description of Legault that the aforesaid booklet is used for separating or processing sheet material, as in the method of claim 1 of the present application, nor is such booklet capable of being used as a means for performing such separating and processing steps as in the means of claim 7 of the present application.

While it appears the Examiner is indicating that the step of separating different groups of sheet material (i.e., the sheets in the booklet) may occur or be present in the teachings of Legault, this is not sufficient to establish inherent teachings of such a result or characteristic. In accordance with MPEP 2112, to establish inherency, the extrinsic evidence found in the reference must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and it would be so recognized by persons of ordinary skill. Inherency cannot be established by probabilities or possibilities. Applicants submit that there are no teachings by Legault that would tend to suggest that the mere assembly of the booklet or the use thereof described by Legault could implicitly teach the steps of processing and separating sheet material, or a means for doing so.

In view of the disclosure of Legault, it is readily apparent that this reference fails to disclose, suggest or teach the at least one information carrier of the present application. More specifically, the Office Action makes reference to the bar code applicator 8 in Legault as a teaching of an information carrier of the type recited in the claims of the present application. Applicants respectfully disagree that the bar code applicator taught by Legault is an equivalent teaching of the information carrier of the present application. Applicants further assert that the bar code applicator of Legault could not reasonably be construed as an implicit teaching by Legault of the information carrier of the present application.

In observing Fig. 4, the bar code applicator in Legault is described as a plastic sheet having pressure sensitive figures disposed on the face thereof. The bar code applicator is described as being adapted to allow the user to apply a precise and uniform bar code designating a postal code to the face of an envelope (col. 2, lines 27-32). Moreover, the bar code applicator is also described as having an array of six adjacent boxes and an array of short bars that represent letters of the alphabet and numbers 0-9 (col. 2, lines 39-49) and such letters and numbers are rubbed off onto an

envelope by a user (col. 2, lines 50-60).

In view of the above-noted passages, it is quite obvious that the bar code applicator does not provide information for a particular group of sheet material, but instead is merely a template by which a user can transfer a combination of the letters and numbers represented thereon onto an envelope at the user's selection. By its very nature, the bar code applicator lacks any specific information and thus cannot be reasonably construed as an information carrier for a specific group of sheet material as the information carrier recited in claims 1 and 7 of the present application. Accordingly, the disclosure of Legault fails to explicitly disclose, suggest or teach the information carrier of the invention in combination with a separate separator card for separating and processing different groups of sheet material.

Applicants submit that it is not inherent in view of the disclosure of Legault that the bar code applicator may be used as the information carrier. There is nothing to suggest in the disclosure of Legault that the bar code applicator, by itself, conveys any specific information regarding a particular group of sheet material. In view of the discussion of the bar code applicator of Legault, if the such bar code applicator replaced the information carrier in the present invention, none of the sheet material could be sufficiently processed. This is due to the fact that bar code applicator lacks any specific information. Applicants maintain that it would not be recognized by one skilled in the art of document processing to substitute the bar code applicator taught by Legault in the method of claim 1 or the means of claim 7 of the present invention.

Accordingly, Applicants assert that claims 1-13 are fully patentable in view of the disclosure of Legault, on the basis that Legault fails to disclose, suggest or teach employing at least one information carrier to separate and process sheet material. Withdrawal of this rejection is courteously requested.

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Examiner: K. NGUYEN
Art Unit: 2876

In view of the foregoing remarks, it is respectfully submitted that the application is in condition for allowance. Accordingly, it is respectfully requested that claims 1-13 be allowed and the application be passed to issue.

If any issues remain that may be resolved by a telephone or facsimile communication with the Applicants' Attorney, the Examiner is invited to contact the undersigned at the numbers shown below.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Justin J. Cassell", written in a cursive style.

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